

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING  
Indiana Government Center South  
302 W. Washington Street  
Conference Room A  
Indianapolis, Indiana 46204  
January 13, 2014, 1:00 P.M.

**WELCOME AND INTRODUCTION**

Chairman John Hill welcomed everyone to the meeting and asked for confirmation of a quorum.

**COMMISSION MEMBERS PRESENT**

John Hill—State Government  
James Greeson—State Government  
Bernie Beier—Local Government  
Shawn French—Industry Representative  
Sherman Greer—Public Representative

Bruce Palin—State Government  
Chad Hilton—State Government  
Brian Lott—Local Government  
Dean Larson—Public Representative  
James Pridgen—Industry Representative

**The following Commission member was absent:**

Carol Shelby—Public Representative

**QUORUM CONFIRMATION**

LEPC Coordinator Ashley Holcomb indicated a quorum was present.

**The following staff members were present:**

Laura Steadham—IDEM  
Mara Snyder—IDHS  
Ian Ewusi—IDHS/IDEM

Ashley Holcomb—IDHS  
Karen Allen—IDHS  
Laura Dresen—IDHS

Robert Johnson—IDHS

**The following members of the audience were present:**

Mike Alley—Lighthouse Readiness Group  
Jason Gaines—Lighthouse Readiness Group

Jeff Larmore—Marion County LEPC  
Sherman Greer—Former IERC Commission Member

**CONSIDERATION OF THE MINUTES**

A motion to approve and adopt the minutes from the November 12, 2013, meeting was made by Mr. Larson and seconded by Mr. Lott. **MOTION CARRIED.**

**COMMITTEE REPORTS**

**Communications Committee—Vacant, Chair**

Chairman John Hill noted the vacancy and stated that an interim chair should be appointed to fill that position. Mr. Hill also thanked Sherman Greer for his service to the commission for all those years.

## **Policy/Technical Committee—James Pridgen, Chair**

Nothing to report other than that the committee needs to start looking toward a meeting to discuss business of the past year and also the upcoming year for anything that needs to be taken to the legislative session.

## **Training Committee—Brian Lott, Chair**

Mr. Lott reported that Media Tech Advance Solutions had requested to be added to the LEPC training resource guide. He noted that Media Tech provided hazardous materials classes, plan designing work, NIMS classes and tabletop exercises for hazmat teams and first responders. Mr. Lott inquired if the commission was still contemplating consolidating the training and planning service providers into one main vendor list as discussed at the November meeting.

Mr. Larson suggested that the planning service provider issue be moved to the Policy/Technical Committee for review and to offer a clear process of approving vendors for planning and training service providers. He noted that the committee should consider if the commission needs to be approving these planning service providers.

Ms. Snyder recommended that Media Tech be limited to providing technical services for the time being then come back and revisit their request if the commission wants to approve them for additional services.

Mr. Lott recommended that Media Tech be approved to be added to the resource list to provide Hazardous Materials classes.

Mr. Lott made a motion to approve Media Tech Advance Solutions to provide hazardous materials/response training but not planning services, and recommended that the request to provide planning service be referred to the Policy/Technical Committee for review. **MOTION CARRIED.**

Mr. Greeson inquired if LEPCs would now contact Media Tech for training services and requested to be included in the Policy/Technical Committee's review, evaluation and development of the LEPC planning resource guide.

Mr. Chad Hilton also asked to be included in the Policy/Technical Committee's review, evaluation, and development of the LEPC planning resource guide.

Mr. Lott presented an eligibility matrix/questionnaire used by the review committee to evaluate applications for the LEPC Assistance Grant (LAG) program. He noted that the matrix/questionnaire was a tool developed by Mr. Ewusi that had been helpful in the application review process by providing an outline of what applicants must submit to be eligible for the LAG funding. He reported that 4 applications from Fountain, Marion, Morgan and Steuben Counties had been submitted and reviewed. He indicated that Marion and Fountain Counties' applications had been found to meet the LAG program eligibility requirement and that the committee recommended the counties receive the requested funds pending submission of some documents, specifically a letter of acknowledgment from an official (fire chief) of the assisted county by Marion County and breakdown of the funding expenditure from Fountain County. Mr. Lott also noted that the applications from Morgan and Steuben Counties did not appear to meet the eligibility requirements. He recommended that Mr. Ewusi contact all applicants about the commission's decision, request for the needed documents, and begin the funding when the appropriate documents have been submitted by the eligible applicants.

Mr. Lott made a motion to approve the Fountain and Marion County applications pending provision of the acknowledgement letter and project expenditure breakdown. **MOTION CARRIED.**

Mr. Hill requested that the commission not vote on incomplete application packets because it put the review committee in a difficult position.

Mr. Greeson made a motion to table the Steuben County application pending receipt of necessary LAG program application documents. **MOTION CARRIED.**

The list below describes the LAG program eligibility matrix/questionnaire:

	<b><i>Has the applicant met the following LAG program eligibility requirements?</i></b>	Yes	No	Not Applicable
1	Complied with IC 13-25-1-6(b) for prior 3 years consecutively			
2	Identified a project to assist a non-compliant LEPC or local response agency in a county with a non-compliant LEPC			
3	Documented that the assisted LEPC/agency is in close county proximity to applicant			
4	Identified applicant's capabilities in assisting the named LEPC and/or agency			
5	Provided an assessment of the support that will enhance the assisted LEPC and/or agency			
6	Demonstrated that the support offered would not adversely affect the applicant LEPC's own ability to be compliant			
7	Outlined a project that meets any of the following IERC-identified priority areas			
	• <i>Identify, assess and document the chemical hazard liabilities present in a county with a non-compliant LEPC, and describe how the funding will be used to manage the hazards</i>			
	• <i>Identify needed training and technical assistance in emergency planning and preparedness for local response agencies that will be undertaken or enhanced through the additional funding for response activities in a county with a non-compliant LEPC, and provide a schedule or plan to address these needs</i>			
	• <i>Provide the method and schedule of multi-jurisdictional tabletop, functional and full-scale hazardous materials exercises consistent with HSEEP that will be funded by the grant to benefit the county of the non-compliant LEPC</i>			
	• <i>Describe the method of developing and implementing a multi-jurisdictional hazardous materials response plan for the county of the non-compliant LEPC consistent with IC 13-25-2-5 and Comprehensive Preparedness Guide (CPG)-101</i>			
	• <i>Provide a method to form a multi-county planning committee with a non-compliant LEPC and a schedule to meet the statutory requirements for both counties</i>			
	• <i>Establish a mentoring program to move inactive/non-compliant LEPCs to compliant status</i>			
	• <i>Describe how the grant funding will be used to maintain LEPC and facility compliance with SARA Title III for the county of the non-compliant LEPC</i>			
8	Submitted a completed application that is signed by the applicant LEPC's Chair			
9	Furnished a letter of support from a representative of the county commission/council from the assisted LEPC's/agency's county			
10	Indicated <i>if the letter in #9 was unavailable</i> and supplied alternate letter of support from another county official (of assisted LEPC's/agency's county) in emergency response, such as from the EMA, a fire department, hazmat team, etc.			

## **Fiscal Committee—Bruce Palin, Chair**

Mr. Palin indicated that the committee had nothing to report.

### **OLD BUSINESS**

No old business

### **NEW BUSINESS**

Mr. Greeson introduced the new Assistant Fire Marshall, Robert Johnson, who had a 20-year background in fire service as a Hazmat tech and EMT. He also noted that Mr. Johnson is from Bloomington, is married to his high school sweetheart, and has a 16-year-old son.

### **LEPC Membership Roster Approvals**

Mr. Ewusi reported that 80 counties had submitted new or updated rosters for approval and provided a set of rosters for each commissioner for approval. He noted that rosters presented in future meetings to the commission for approval would comprise new members to be added to and/or current members to be removed from existing rosters. The following 80 LEPC membership rosters as of 12/31/13 were submitted for approval:

Adams	Greene	Marion	Shelby
Allen	Hamilton	Marshall	Spencer
Bartholomew	Harrison	Miami	St. Joseph
Boone	Hendricks	Monroe	Steuben
Brown	Henry	Montgomery	Sullivan
Carroll	Howard	Morgan	Switzerland
Clark	Huntington	Noble	Tippecanoe
Clinton	Jackson	Ohio	Tipton
Daviess	Jasper	Owen	Union
Dearborn	Jay	Parke	Vanderburgh
DeKalb	Jefferson	Perry	Vermillion
Delaware	Jennings	Pike	Vigo
Dubois	Johnson	Porter	Wabash
Elkhart	Knox	Posey	Warren
Floyd	Kosciusko	Pulaski	Warrick
Fountain	Lagrange	Putnam	Washington
Franklin	Lake	Randolph	Wayne
Fulton	LaPorte	Ripley	Wells
Gibson	Lawrence	Rush	White
Grant	Madison	Scott	Whitley

Motion was made by Mr. Pridgen to approve all LEPC membership rosters presented and was seconded by Mr. French. **MOTION CARRIED.**

## **REPORT OF THE FIELD REPRESENTATIVE**

Mr. Ewusi presented a 2013 close-out report on his field activities. A copy of the full report is available upon request and will be posted along with the approved minutes at the IERC website.

### **FOLLOW-UP FROM PREVIOUS MEETING**

**Status of Approved Purchases**—Informed IT officers and provided copy of IERC minutes to be sent to IDHS fiscal and IT in order to facilitate purchases of the following:

- A hotspot for Mr. Ewusi's phone to facilitate connection anywhere in the state—In process
- Wireless printer to replace use of personal equipment at home office—In process
- New vehicle to replace Mr. Ewusi's current aging vehicle—In process, but in the interim repairs on current vehicle ordered and completed

**IERC Meetings to Be Hosted by LEPCs**—Contacted LEPCs about hosting IERC meetings beginning March 2014 in an effort to meet commission members and staff and to have direct input in IERC decision making. Several LEPCs have expressed interest in hosting these meetings and have provided their preferred dates. *(See full report for table)*

**LEPC Training Resource Guide Document**—Edited first and third paragraphs of the first page of the document to eliminate some displaced quotation marks and the word "conditional," respectively. Updated training resource guide posted at [http://www.in.gov/dhs/files/LEPC\\_Training\\_Resources\\_Guide111013.pdf](http://www.in.gov/dhs/files/LEPC_Training_Resources_Guide111013.pdf).

Sent copies of the one-page document that proposed a combination of planning and training guidance for listed and prospective vendors that provide planning services for LEPCs to the IERC Training Committee members for comment. The general consensus of the members was to not combine planning and training, which would add planning service oversight to the Training Committee's duties, but rather to refer the planning services oversight to the Policy/Technical Committee.

Developed a draft of a planning resource guide and a memo on the planning resource guide to be sent to LEPCs upon review and approval by legal and the Policy/Technical Committee. *(Available upon request following review/approval)*

**LEPC Assistance Grant (LAG) Program**—Developed an eligibility matrix/questionnaire with input from Mara Snyder and Laura Steadham and sent it to the IERC review committee to assist members in the evaluation of the 4 applications received to date. The eligibility matrix may also serve as administrative basis for approving or denying an application. *(See matrix presented by Mr. Lott)*

**EHS Storage Locations in Counties**—Completed a tally of EHS facilities in the state of Indiana and the 2013 reported distribution in each county. From the 5,176 facility chemical inventories reported last year, 2,256 facilities reported storing EHSs. *(See full report for table)*

**LEPC Homeland Security Exercise Evaluation Program (HSEEP) Compliant Exercises**—Completed an inventory of the 2013 LEPC exercises completed that were in compliance with HSEEP requirements. It should be noted that the National Exercise Schedule (NEXS) has been down since June of this year. NEXS is an online comprehensive tool that facilitates scheduling (without conflicts) and synchronization of all national-level, federal, state and local exercises. From January through June 2013, 27 LEPCs received HSEEP/NEXS numbers and conducted HSEEP-compliant exercises. From July through December 2013, 45 LEPCs conducted exercises without receiving HSEEP/NEXS numbers. *(See full report for summary table)*

Mr. Hill stated that he will address this issue internally with staff and get back to the commission regarding this.

**Rush County Inquiry about LEPC Exercise Requirements—** Mr. Ewusi provided an official letter response to Rush County on its question regarding exercise requirements. He requested and received review from legal before sending the letter out. The LEPC requested an explanation for why a hazmat response to gasoline fuel release would not receive credit as an LEPC exercise. It is IERC policy that LEPC exercises address the accidental release of an EHS or CERCLA-defined hazardous substance. *(See full report for memo)*

## **LEPC ACTIVITIES—2013**

### **Meetings Attended in 2013 (37 Counties)**

Allen	Floyd	Johnson	Pulaski	St. Joseph	White
Boone	Fountain	Lake	Putnam	Tippecanoe	Whitley
Brown	Gibson	Madison	Ripley	Tipton	
Clinton	Grant	Martin	Scott	Vermillion	
Carroll	Howard	Monroe	Shelby	Wabash	
Cass	Huntington	Ohio	Spencer	Warren	
Delaware	Jasper	Posey	Steuben	Wells	

### **Plan Reviews (72 Counties)**

In accordance with Indiana code, all active LEPCs must develop and implement hazardous materials plans and provide annual updates which were due on or by December 31, 2013. All 72 plans submitted to the IERC to meet this obligation were evaluated by Mr. Ewusi, and he provided comments to the following LEPCs to assist in improving their 2014 plans. *(See full report for list of counties)*

### **Online Reporting**

All LEPC statutory reporting has successfully transitioned from paper to online reporting, and work continues in order to make reporting simple, efficient and effective by integrating input from staff and LEPC users. Mr. Ewusi anticipates that 2014 will be a successful compliance year for both compliant and formerly noncompliant LEPCs. Below is a summary of the 2013 LEPC online reporting activities (numbers reported are out of 92 total counties):

- Legal notice—79 submitted, 13 not submitted (86% compliance)
- Rosters—79 submitted, 13 not submitted (86% compliance)
- Fiscal report—77 submitted, 15 not submitted (84% compliance)
- Exercise reports—72 submitted, 20 not submitted (78% compliance)
- Bylaws—76 submitted, 16 not submitted (82% compliance)
- Minutes—73 submitted, 19 not submitted (79% compliance)
- Emergency response plan updates—70 submitted, 22 not submitted (76% compliance)

### **2013 Compliance Status/Map**

In 2013, there were 72 compliant LEPCs out of 92 counties (78%), and Mr. Ewusi anticipates an increase in the number of compliant LEPCs to between 79 and 81 (86%–88%) in 2014. There were 20 noncompliant/unfunded LEPCs, of which 10 were inactive. Of these 20 LEPCs, Mr. Ewusi targeted and worked with 9 to move them into active roles and will continue to monitor their activities. The 9 included 7 noncompliant and 2 inactive LEPCs. *(See full report for map)*

He has also identified some compliant LEPCs in close proximity to the noncompliant LEPCs to begin discussions on mentoring or assistance. *(See full report for table)*

Some methods he plans to use to bring the noncompliant LEPCs into compliance are as follows:

- Continue to attend county commission/council meetings early in the year to provide information on the services provided by active LEPCs
- Identify and meet with facility representatives in counties with inactive LEPCs to encourage participation
- Take legal notices in counties with inactive LEPCs to inform the general public about the function and services provided by active LEPCs—*this would require IERC and county official input and approval*
- Provide training to all DHS field personnel to meet LEPC needs and disseminate educational constructs to their respective counties of management
- Use the LAG program to pursue mentoring and training opportunities for noncompliant LEPCs, and encourage these LEPCs to be receptive to mentoring activities
- Revisit the white paper he developed and provided to IERC members at the 7/11/2011 meeting—on having successful LEPCs (the IERC mission)—for applicability and usefulness *(copy available upon request)*

### **TRAINING—2013**

- Emergency Planning and Community Right-to-Know (EPCRA)
  - Marshall County—January 7, 2013
  - Bartholomew County—January 22, 2013
  - IGCS—January 15, 2013
  - Grant County—January 28, 2013
- Computer-Aided Management of Emergency Operations (CAMEO)
  - White County (Emergency Response Agencies)—February 2013
  - IDEM (Field Staff Orientation)—May 2013
  - Illinois SERC Conference—May 2013
  - IERC Conference—August 2013
  - Steuben County (Emergency Response Agencies)—September 2013
  - Hamilton County (Carmel Fire Dept.)—September 2013

### **EPCRA STATUTORY UPDATES**

**Sections 302/311 Notification Survey**—83 of 92 LEPCs responded promptly and favorably to a survey inquiring if they would like to receive confirmatory emails indicating the receipt of Emergency Planning and Community Right-to-Know (EPCRA) sections 302 and/or 311 updates submitted by facilities to the state.

*EPCRA section 302 addresses Extremely Hazardous Substance (EHS) notifications, and section 311 addresses updates to the list of chemicals previously reported to the state by facilities. Just as Tier II reporting, facilities are required by federal and state statute to make these notifications to the state, respective LEPCs, and fire departments. Sharing these records with our local partners ensures that we are all informed about the current chemical storage profile in our respective counties.*

The following lessons can be derived from the prompt and positive responses of the LEPCs:

- They are looking to participate in any way they can in IERC matters
- They are responsive to EPCRA reporting matters
- They are looking to improve effective and timely communication on facility chemical storage reporting
- They feel a sense of inclusion in the hazard communication process

Two consistent suggestions offered by several respondents were (1) the need to have real-time data so they could provide a means for public access and (2) one-point-source reporting for facilities to eliminate the current method of submitting the same report to three entities separately.

**Final Rule on OSHA Globally Harmonized System**—The classification/labeling of chemicals and its implications for Tier II reporting relative to Material Safety Data Sheets (MSDSs) versus Safety Data Sheets (SDSs). This rule doesn't change facility reporting to the IERC and LEPCs in terms of EPCRA section 311 reporting, although facilities in Indiana still have to maintain SDSs instead of MSDSs on hand to meet federal requirements. In Indiana, EPCRA section 311 reporting for facilities is in the form of listing any and all changes to a facility's reported chemical inventory. OSHA's final rule on this hazard communication standard does not change this reporting requirement. Mr. Ewusi has already responded to some inquiries on this from LEPCs and reporting facilities. OSHA's fact sheet on this final rule is located at <https://www.osha.gov/dsg/hazcom/HCSFactsheet.html> (See full report for copy of fact sheet)

**SPILL REPORTS—2013 (EPCRA SECTION 304)**

<i>County</i>	<i>Month</i>	<i>No. of Reports</i>	<i>Facility</i>	<i>Chemical</i>	<i>Quantity</i>
Huntington	January	1	Best Foods / Burner Hub Farms	Ammonia	unknown
Lake		2	Buckeye Terminals Eu	Propylene	unknown
			US Steel	Benzene	16 lbs
Posey		1	CountyMark Coop	Carbon Monoxide	500 lbs
				Nitrogen dioxide	20 lbs
Daviess	April	1	Grain Processing Corp	Sodium Hydrosulfide	4000 gals
Henry		1	Carl Smith	unknown	unknown
Lake		1	BP Whiting	unknown	unknown
Posey		1	County Mark Cooperative, LLC	unknown	unknown
Rush		1	Premier Agriculture Cooperative	Anhydrous Ammonia	500 gals
Tipton		1	Crop Production Service	Anhydrous Ammonia	1000 gals
Cass		May	1	Terry Rogers	Anhydrous Ammonia
Lake	1		BP Whiting	unknown	unknown
Marion	August	1	Vertellus Agriculture & Nutrition, LLC	Pyridine	150 gals
Randolph		1	EPCO Carbon Dioxide Products, Inc	Anhydrous Ammonia	750 lbs
Vigo		1	SG Solutions LLC	Sulfur Dioxide	528 lbs
Randolph	September	1	EPCO Carbon Dioxide Products, Inc	Anhydrous Ammonia	800 lbs
Shelby		1	Shelby County Coop West Branch	Anhydrous Ammonia	100 gals
Posey		1	Country Mark Coop LLC	Sulfur Dioxide	2000 lbs
Vigo		1	SG Solutions LLC	Sulfur Dioxide	100 lbs
Lake	November	2	BP Whiting	Sulfur Dioxide	unknown



## **PUBLIC COMMENTS**

Mr. Sherman Greer thanked everyone and addressed Chairman Hill to tell him how much his presence at these meetings will help reduce problems. He indicated that the last known director to attend all IERC meetings was Pat Ralston, and this was very beneficial.

## **NEXT MEETING**

March 10, 2014, 1:00 pm  
Scott County—TBD

## **ADJOURNMENT**

Meeting was adjourned at 3:00 P.M.

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John Hill, Chair